

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 234

[FRA Docket No. RSGC-6; Notice No. 2]

RIN 2130-AA92

Selection and Installation of Grade Crossing Warning Systems; Notice of Proposed Rulemaking

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Change of hearing date.

SUMMARY: On March 2, 1995, FRA published in the **Federal Register** a Notice of Proposed Rulemaking (NPRM) (60 FR 11649) regarding the selection and installation of grade crossing warning systems. A public hearing was scheduled for May 9, 1995.

Due to scheduling constraints, FRA must change the date of the public hearing. As a consequence, FRA is rescheduling the public hearing to April 24, 1995. The hearing location remains the same and will be held in room 2230 of the Nassif Building, DOT Headquarters Building, 400 Seventh Street, S.W., Washington, DC. We apologize for any inconvenience this rescheduling may cause.

DATES: A public hearing will be held at 9:30 a.m. on April 24, 1995.

ADDRESSES: A public hearing will be held in room 2230 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Persons desiring to speak at the hearing should notify the Docket Clerk by telephone (202-366-0628) or by writing to the Docket Clerk at the address above.

FOR FURTHER INFORMATION CONTACT:

Bruce F. George, Chief, Highway-Rail Crossing and Trespasser Programs Division, Office of Safety, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 (telephone 202-366-0533), or Mark Tessler, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 (telephone 202-366-0628).

Issued in Washington, DC on March 31, 1995.

Donald M. Itzkoff,

Deputy Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Chapter VI

[Docket No. 950316075-5075-01; I.D. 022895C]

RIN 0648-AH86

Golden Crab Fishery off the Southern Atlantic States; Control Date

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking; consideration of a control date.

SUMMARY: This notice announces that the South Atlantic Fishery Management Council (Council) is considering whether there is a need to impose management measures in the golden crab fishery in the exclusive economic zone (EEZ) off the southern Atlantic states, and if there is a need, what management measures should be imposed. If it is determined that there is a need to impose management measures, the Council may initiate a rulemaking to do so. Possible measures include the establishment of a limited entry program to control participation or effort in the fishery. If a limited entry program is established, the Council is considering April 7, 1995, as a possible control date. Consideration of a control date is intended to discourage new entry into the fishery based on economic speculation during the Council's deliberation on the issues.

DATES: Comments must be submitted by May 8, 1995.

ADDRESSES: Comments should be directed to the South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407-4699.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 813-570-5305.

SUPPLEMENTARY INFORMATION: The golden crab fishery is not currently managed under a fishery management plan (FMP) prepared under the authority of the Magnuson Fishery Conservation and Management Act. However, there is a small scale trap fishery for golden crabs (*Chaceon feneri*) in the EEZ off the southern Atlantic states. The fishery is prosecuted primarily in depths of 110 to 220 fathoms (approximately 200 to 400 m) on sand, mud, and clay bottoms. The fishery has operated sporadically off North and South Carolina and off the

east coast of Florida. The fishery is currently operating 8 to 10 miles (15 to 19 km) off Miami, FL. Information on the fishery is limited—the number of fishermen, number of traps, and current production are unknown.

In February 1995, the Council held a scoping meeting to solicit input from the industry and public on the need for management of the golden crab fishery. Based on the results of the meeting, the Council began development of management options for the fishery. The range of options the Council will consider include data collection, area restrictions, seasons, size limits, trap escape panel requirements, prohibition on harvest of females, and limited entry or access. Implementation of any management measures for the fishery would require preparation by the Council of a new FMP or amendment to an existing FMP to include golden crab. The Council will discuss these issues at its April 10-14, 1995, meeting in Savannah, GA. In either event, publication of a proposed rule with a public comment period, NMFS' approval of the FMP or amendment, and publication of a final rule would be required.

As the Council considers management options, including limited entry or access-controlled management regimes, some fishermen who do not currently harvest golden crab, and have never done so, may decide to enter the fishery for the sole purpose of establishing a record of making commercial landings of golden crab. When management authorities begin to consider use of a limited access management regime, this kind of speculative entry often is responsible for a rapid increase in fishing effort in fisheries that are already fully developed or overdeveloped. The original fishery problems, such as overcapitalization or overfishing, may be exacerbated by the entry of new participants. If management measures to limit participation or effort in the fishery are determined to be necessary, the Council is considering April 7, 1995 as the control date. After that date, anyone entering the fishery may not be assured of future participation in the fishery if a management regime is developed and implemented that limits the number of participants in the fishery.

Consideration of a control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the golden crab fishery. Fishermen are not guaranteed future participation in the golden crab fishery regardless of their date of entry or intensity of participation in the fishery before or after the control date

under consideration. The Council may subsequently choose a different control date, or it may choose a management regime that does not make use of such a date. The Council may choose to give variably weighted consideration to fishermen in the fishery before and after the control date. Other qualifying criteria, such as documentation of commercial landings and sales, may be applied for entry. The Council may choose also to take no further action to control entry or access to the fishery, in which case the control date may be rescinded.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 3, 1995.

Gary Matlock,

*Program Management Officer, National
Marine Fisheries Service.*

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